

Transcript

My name is James Mason, and I was once a child, a child out of sight.
When I was raped at the age of 13, nobody saw me.
When I was choked repeatedly year after year, nobody heard me.
When I was finally brave enough, years later to speak, nobody listened.
My name is James Mason, and I am a man, a man who needs to be heard.

This morning you will hear from Montana Family Foundation, who will seek to declare that HB 236 is nothing more than a witch-hunt against a single institution, namely, Pinehaven Christian Children's Ranch in St. Ignatius, MT.

They will tell of Pinehaven's beautiful scenery and reputable virtues while discrediting any claims of abuse, stating that Pinehaven has been cleared of all wrongdoing by Lake County Sheriff's Office. In the same breath, however, they will softly refer to very recent instances of violent and statutory rape as nothing more than "assault", and falsely refer to a documented case of juvenile suicide in the same manner they told his parents, saying that this child, my roommate, was "a runaway who froze to death". They will extol the virtues of child labor violations as "teaching responsibility and work ethic".

They will refer to institutionalized children as "troubled teens with challenges" when the truth is that the majority of Pinehaven's residents are simply by-products of broken homes and failed adoptions; many far too young to have ever committed any crimes or exhibited "troubled" behavior.

This rhetoric is not only misleading and false, but is the actual catalyst of lies, told nationwide, that continues to facilitate the abuse of institutionalized children in Montana.

Montana Family Foundation will tell you that current regulations are built upon the premise that the State can manage these faith-based facilities better and more safely than a private entity such as a church, and that this premise is flawed. To reinforce this point, they will refer to the records of Pine Hills, a state-operated facility, and compare equivalent occurrences of abuse in both institutions. They will then justify these events by declaring that these problems are inherent in the nature of the business when you are dealing with "troubled teens", while falsely reminding you that Pinehaven, throughout their history, has been cleared of any wrong-doing.

Montana Family Foundation will tell you that HB 236 is the State stepping in and telling faith-based programs being run in accordance with church doctrine "No, you have to use our counseling program" and that this runs afoul of the First Amendment. This, again, is false and misleading. It should be noted that none of the Private Alternative Adolescent Residential Program (PAARP) Administrative Rules will dictate which counseling programs are deemed acceptable and which are not.

What the Montana Family Foundation wishes you not to know, specifically in regards to Pinehaven Christian Children's Ranch, is that these facilities, void of any professionally trained staff, haven't any actual counseling programs to offer.

Let me provide some perspective - drivers on Montana's highways may listen to religious programming on the radio, discuss religious teachings while driving, and even express their evangelical messages on the outside of their vehicles.

It is common sense that speed limits on Montana highways are set up to protect not only the driver of each vehicle, but the passengers in each vehicle as well. By establishing these speed regulations, the State is not managing a driver's actions, assuming ownership of their vehicle, or dictating what type of car each driver should operate. They do, however, dictate the manner in

which the driver operates the vehicle, preserves the safety and security of their passengers, and provides penalties for exceeding those safeguards and limitations.

Additionally, each driver is regulated to specific types of vehicles they are allowed to operate based upon their education and proven ability to safely operate these vehicles, via the issuance of a classified driver's license. None of these regulations are infringing upon the rights of the driver, have proven to provide the greatest levels of public and passenger safety, and ultimately are independent of what each driver's religious preferences are. Vehicles with religious bumper stickers, or with occupants discussing religious topics are not exempt from speed and traffic regulations, simply because these liberties are not in any way connected to each other.

It is the responsibility of this body to ensure the rights of all Montana citizens, including the assurance that each individual's right to a free practice of religion is not infringed. It should be noted, however, that none of the Private Alternative Adolescent Residential Program (PAARP) Administrative Rules will, upon the passing of HB 236, restrict the teaching or practical application any religious principles, but rather enhance these teachings by providing an assuredly safer and more secure environment for them to be taught.

The Montana Family Foundation will most likely tell you what they have told their radio audience in recent days that "this bill, if passed would immediately be challenged in court". I hope that you are able to view this threat for what it is. Do not be swayed toward inaction by threats stemming from organizations and people whose livelihoods, careers and reputations are dependent upon their continued ability to operate above and outside the laws regulating the rest of society.

In regards to HB 236, I plead that you vote "Do Pass", allowing the bill to be voted on in the House. This bill not only ensures that every child in Montana is provided with basic health and safety, but eliminates the current conditions that allows the most vulnerable and at-risk youth to become sub-standard citizens with diminished rights.

Make no mistake of the severity of this implication. Currently, under the adjunct ministry exemption law, children placed both voluntarily and by court order in faith-based private alternative adolescent residential programs have less access to communication with family, less protection from abuse, and less protection from unsafe and harmful environments than Federal Detainees at Guantanamo Bay, serial and mass murderers, pedophiles, and rapists in state and federal prisons. Many of these children are simply unwanted. All of these children are emotionally and physically vulnerable.

Currently, under the adjunct ministry exemption law, children placed in faith-based facilities have absolutely no way for law enforcement agencies to be notified of abuse beyond reports submitted by mandated reporters, many who have testified in recent years that they have been uneducated about or directly restricted from fulfilling this legal obligation. Simply put, law enforcement and child protective agencies cannot protect children they cannot see, and children cannot get help from resources they cannot contact.

HB 236 in no way violates either the establishment or free exercise clause of the US Constitution, in no establishes state religious precedent and in no way restricts any religious teaching, expression or application

Although the Montana Family Foundation would seek to distract you with dramatic displays of religious persecution and threats of legal recourse – HB 236 – an attempt to correct a mistake made 8 years ago – truly has nothing to do with restricting religious freedom, but everything to do with ensuring the safety and care of institutionalized children in Montana.

By allowing HB 236 to be voted on in the House, you are declaring that every child in Montana deserves equal protection under the law, regardless of where they come from or who happens to be taking care of them.